

STATE BOARD OF LAW EXAMINERS

NOTICE OF PROPOSED BAR ADMISSION RULES CHANGES

The State Board of Law Examiners has submitted to the Court of Appeals of Maryland proposed amendments to the Rules Governing Admission to the Bar of Maryland allowing the Board to adopt the Multistate Performance Test as a component of the Maryland Bar Examination and rescinding the Board's authority to provide by rule that an examinee may use a score from a prior bar examination to satisfy the essay or the Multistate Bar Examination requirement on a current examination. The proposed amendments affect Bar Admission Rules 1, 7, and 8 and are set forth below.

The proposed rules changes will be considered by the Court of Appeals of Maryland at a public hearing on the fourth floor of the Robert C. Murphy Courts of Appeal Building, 361 Rowe Boulevard, Annapolis, Maryland 21401 on Tuesday, September 6, 2005, beginning at 2:00 p.m.

Interested persons are asked to consider the Board's proposed rules changes and to forward on or before August 22, 2005 any written comments they may wish to make to:

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Secretary, State Board of Law
Examiners
Suite 307
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Annapolis, Maryland 21401-1539

ALEXANDER L. CUMMINGS

Clerk

Court of Appeals of Maryland
MARYLAND RULES OF PROCEDURE

RULES GOVERNING ADMISSION TO THE BAR OF MARYLAND

AMEND Bar Admission Rule 1 to add the Multistate Performance Test ("MPT") to the list of Definitions, as follows:

Rule 1. DEFINITIONS.

In these Rules, the following definitions apply, except as expressly otherwise provided or as necessary implication requires:

. . .

(e) MBE

"MBE" means the Multistate Bar Examination published by the National Conference of Bar Examiners.

(f) MPT

"MPT" means the Multistate Performance Test published by the National Conference of Bar Examiners.

~~(f)~~ (g) Oath

"Oath" means a declaration or affirmation made under the penalties of perjury that a certain statement or fact is true.

~~(g)~~ (h) State

"State" means a (1) a state, possession, territory, or commonwealth of the United States or (2) the District of Columbia.

Source: This Rule is derived from former Rule 1.

RULES GOVERNING ADMISSION TO THE BAR OF MARYLAND

AMEND Bar Admission Rule 7 to add the Multistate Performance Test as a component of the Maryland Bar Examination, to delete a certain provision pertaining to carrying over a certain passing score, and to make certain stylistic changes, as follows:

Rule 7. BAR EXAMINATION.

. . .

(c) Format and Scope of Examination

The Board shall prepare ~~and grade~~ the examination. ~~The Board and~~ may adopt the MBE and the MPT as part of ~~its~~ examination it. ~~Essay answers shall be required on all parts of examination except the MBE part.~~ The examination shall include an essay test. The Board shall define by rule the subject matter of the essay ~~examination test.~~ An examination but the essay test shall include at least one question dealing in whole or ~~in~~ part with professional conduct.

(d) Grading

(1) The Board shall grade the examination and shall by rule establish passing grades for the examination. ~~If the examination includes the MBE, the Board may provide by rule that an examinee who fails one part (the MBE or the essay test) but passes the other may carry over the passing score to the next examination only.~~ The Board may ~~also~~ provide by rule that an examinee may

satisfy the MBE part of the Maryland examination requirement by applying a grade on an MBE taken in another jurisdiction at the same ~~or the immediately preceding~~ examination.

(2) At any time before it notifies examinees of the results, the Board, in its discretion and in the interest of fairness, may lower, but not raise, the passing grades it has established for any particular examination.

Source: This Rule is derived as follows:

Section (a) is derived from former Rule 7 a and b.

Section (b) is derived from former Rule 7 c.

Section (c) is derived from former Rule 7 d and e.

Section (d) is derived from former Rule 7 e.

MARYLAND RULES OF PROCEDURE
RULES GOVERNING ADMISSION TO THE BAR OF MARYLAND

AMEND Bar Admission Rule 8 to add certain provisions allowing unsuccessful examinees to review their Multistate Performance Test ("MPT") answer books and the National Conference of Bar Examiners' MPT Point Sheet and Grading Guidelines and to clarify the right of unsuccessful examinees to review their essay test answer books, as follows:

Rule 8. NOTICE OF GRADES AND REVIEW PROCEDURE.

. . .

(b) Review Procedure

On written request filed with the Board within 60 days after the mailing date of examination results, unsuccessful examinees, ~~may (1)~~ in accordance with the procedures prescribed by the Board, may (1) review their examination essay test answer books and the Board's analysis for the essay test, and (2) review their MPT answer books, (3) order the National Conference of Bar Examiners' MPT Point Sheet and Grading Guidelines, and (4) upon payment of the required costs, obtain confirmation of their MBE scores. No further review of the MBE will be permitted.

Source: This Rule is derived as follows:

Section (a) is derived in part from former Rule 7 f and in part new.

Section (b) is derived from former Rule 8 b.